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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
RIVERSIDE

BY: _____

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

U.S. BANK NATIONAL
ASSOCIATION,

Plaintiff,

vs.

DANILO H. JAIME, et al.,

Defendants.

Case No. CV 13-8156-UA (DUTYx)

ORDER SUMMARILY REMANDING
IMPROPERLY-REMOVED ACTION

The Court will remand this unlawful detainer action to state court summarily because defendant removed it improperly.

On November 4, 2013, defendant Aracely Rodriguez, having been sued in what appears to be a routine unlawful detainer action in California Superior Court, lodged a Notice of Removal of that action to this Court, and also presented an application to proceed in forma pauperis.¹ The Court has denied the latter

¹ As noted in the Order Denying Defendant's Request to Proceed Without Prepayment of Filing Fee, Aracely Rodriguez is not actually named as a defendant in the Complaint to be removed. For purposes of this order, the Court assumes that she is one of the unnamed Doe defendants, although there is some

(continued...)

1 application under separate cover because the action was not properly removed. To
 2 prevent the action from remaining in jurisdictional limbo, the Court issues this
 3 Order to remand the action to state court.

4 Simply stated, plaintiff could not have brought this action in federal court in
 5 the first place, in that defendant does not competently allege facts supplying either
 6 diversity or federal question jurisdiction, and therefore removal is improper. 28
 7 U.S.C. § 1441(a); *see Exxon Mobil Corp v. Allapattah Svcs., Inc.*, 545 U.S. 546,
 8 563, 125 S. Ct. 2611, 162 L. Ed. 2d 502 (2005). Here, defendant has asserted
 9 federal question jurisdiction as her basis for removal. But as described in more
 10 detail in the Order Denying Defendant's Request to Proceed Without Prepayment
 11 of Filing Fee, because the unlawful detainer action to be removed does not
 12 actually raise the federal claim to which defendant points, there is no basis to
 13 assert federal question jurisdiction. *See* 28 U.S.C. §§ 1331, 1441.

14 Accordingly, IT IS ORDERED that: (1) this matter be REMANDED to the
 15 Superior Court of California, Los Angeles County, Long Beach Judicial District,
 16 415 W. Ocean Blvd., Long Beach, CA 90802, for lack of subject matter
 17 jurisdiction pursuant to 28 U.S.C. § 1447(c); (2) that the Clerk send a certified
 18 copy of this Order to the state court; and (3) that the Clerk serve copies of this
 19 Order on the parties.

20
 21
 22 DATED: 11/12/13


 23 HONORABLE GEORGE H. KING
 24 CHIEF UNITED STATES DISTRICT JUDGE
 25
 26

27 ¹(...continued)

28 reason to question the accuracy of that assumption, as explained in the Order
 Denying Defendant's Request to Proceed Without Prepayment of Filing Fee.